

Board of Cosmetologist Examiners

February 27th, 2012 Board Meeting

9:00AM, Conference Room A

University Park Plaza

2829 University Ave. SE

Minneapolis, MN 55414

Present at meeting:

Chair Kurt Deilie

Member Mary Finnegan

Member Robert Salmonson

Member Laurie Boggess

I. *Call to Order*

KD called the meeting to order at 9:05 AM

II. *Approval of Proposed Agenda*

GSF suggested passing agenda with flexibility. MNSSPA will present proposed legislation after *Public Comment*, before *In-House Request*.

LB made a motion to accept amended agenda.

RS seconded. 4 Ayes. 0 Nays. **Motion carried.**

III. *Approval of Minutes*

MO found inaccurate language that should not have been included in the minutes from the December 5, 2011 meeting—in discussion for *New Business* section E delete “...and would have to go through the open appointment process to form the committee.”

RS made motion to approve minutes with phrase deleted.

LB seconded. 4 Ayes. 0 Nays. **Motion carried.**

IV. *Old Business*

A. *Esthetician Task Force Recommendations*

MF and LB selected 9 appointees from 24 applicants: Brenda Augustine, Alica Bartels, Chelsey Bell, Melissa Coborn, Lisa Filiatrault, Judith Garcia, Margaret Miley, Joshua Smolke and Nicole Tang.

GSF and MS will contact appointees and direct them to complete their work before the May 14th Board Meeting so the information can be presented.

BS made motion to accept MF’s and LB’s recommendations.

MF seconded. 4 Ayes. 0 Nays. **Motion carried.**

B. 2011 Board Decisions Report

GSF presented 2011 Board Decision Report requested by the board.

No motion necessary.

V. *New Business*

C. Waiver - Tricia Beulieu Bleichner

TBB cosmetologist operator license lapsed because the facility she was working in is licensed as a barbershop, not as a salon.

MF Does she need a 155 refresher course, rather than 40, because she has not worked in a licensed salon for more than 5 years? She claims financial hardship, but there is no proof.

GSF going off of last license renewal, she renewed in 2008, less than 5 years ago. In general the board has not accepted financial hardship.

LB made a motion to deny waiver request.

MF seconded. 4 Ayes. 0 Nays. **Motion carried.**

D. Waiver – Delores Jasper

DJ holds an inactive Cosmetologist Manager license. She was unable to renew her cosmetologist operator license as active because she had to care for her adult son with heart trouble and has not worked in the last 3 years.

MF is there a precedent for this type of request?

GSF the board has granted previous waivers for licensees unable to work because they are caring for family members.

RS Made a motion to grant the waiver due to medical hardship.

LB seconded. 4 Ayes. 0 Nays. **Motion carried.**

Discussion: Consider having an honorary active license in order to avoid “inactive” license status for those not working. This would require a legislative change. There is a board with a “retired” status—they are unable to practice.

E. Waiver – Denise Jamison

DJ holds a cosmetologist instructor license and would like to renew her lapsed operator license; she was under the impression that her instructor license superseded her operator license, and did not need to renew both.

MO multiple sources have said they were informed by Commerce that they did not have to renew their operator license if they had an instructor license. There would have to be reason to deny DJ’s request, because other similar requests have been granted in the past.

LB Made a motion to grant waiver due to financial hardship.

RS seconded. 4 Ayes. 0 Nays. **Motion carried.**

BJR DJ will need to fill out initial operator application and turn it in with decision letter.

F. Waiver – Melissa Stenberg

MS holds an esthetician instructor license, and would like to renew her lapsed operator license; she was under the impression that her instructor license superseded her operator license.

MF This is the same instructor/operator situation

LB Made a motion to grant waiver due to financial hardship.

RS seconded. 4 Ayes. 0 Nays. **Motion carried.**

BJR MS will need to fill out initial operator application and turn it in with decision letter

G. Variance – Aveda, Teri Cipowski representing

TC requesting an extension to variance granted in 2010, set to expire on March 31, 2012. The variance allows students to acquire more than 8 credit hours per day.

BJR BCE has received no complaints, and testing is still very good.

RS Motion to allow extension of Rule 2110.0680 (F), in accordance with statutes 14.055 and 14.056, to March 31, 2015, and to incorporate previous findings.

LB seconded. 4 Ayes. 0 Nays. **Motion Carried.**

GSF MO will prepare legal information and the BCE will send to Aveda via US Mail.

H. Public Comment – Donna Arnold-Dungy

DAG was not present at the meeting, but submitted a letter stating her concerns about the changes to the Continuing Education (CE) requirements; especially in regards to courses that teach ethnic/textured hair techniques from out of state.

Discussion: The board had a discussion on the topic: courses from out of state are allowed, but they must be pre-approved, just like in-state courses. .

No motion necessary.

RECESS

KD recessed the meeting at 9:55 am.

KD reconvened the meeting at 10:12 am.

I. Public Comment – Jim Hurst, Minnesota Salon & Spa Professional Association (MNSSPA)

JH presented legislation MNSSPA hopes to introduce at the Minnesota legislature which will add continuing education requirements for all licensees.

Discussion: A lengthy discussion followed on the potential implications of this legislation. For further information on the discussion, please contact BCE staff for the audio from the meeting.

LB made a motion to give GSF the authority to pursue MNSSPA legislation provided there are no dramatic changes to the bill, and to call a special board meeting if there are issues that need to be addressed before the May 14th, 2012 board meeting.

RS seconded. 4 Ayes. 0 Nays. **Motion carried.**

J. In House Request – “In connection with Medical Care” & “Office of a Licensed Physician”

GSF brought concerns to the board over the ability of Medi-Spas to schedule facials, brow wax, etc without a referral from a doctor and without being a licensed salon.

BJR Estheticians call BCE to inquire what their license allows them to do.

MO BCE staff should not give advisory opinion over the phone, licensees should hire an attorney to advise them. It would not be rulemaking to read the statute. Ask medical board how they interpret “In connection with Medical Care” and “In the office of a Licensed Physician.”

No motion necessary.

VI. *Administrative Reports*

Administrative Division Report – GSF presented.

Compliance Inspection Division Report – RG presented.

Licensing Division Report – BJR presented.

VII. *Adjournment.*

The meeting adjourned at 12:00pm